

REMARKS

Upon entry of the foregoing Amendment, claims 1-3, 7-12, 16-21, and 25-27, and 29 are pending in the application. Claims 1, 7, 8, 10, 16, 17, 19, 25, and 26 have been amended. Claims 4-6, 13-15, 22-24, and 28 are cancelled without prejudice or disclaimer. Claim 29 is newly added. Applicant believes that this Amendment does not add new matter. In view of the foregoing Amendment and following Remarks, allowance of all the pending claims is requested.

EXAMINER INTERVIEW

Applicant would like to thank Examiner Mahmoudi for the courtesies extended to Applicant's representatives (Mr. Toering and Mr. Jelinek) during the Examiner Interview on 2/20/2007. The substance of the interview is set forth below:

The Applicant's representatives discussed how the instant invention is novel over the cited prior art. Furthermore, the Applicant's representatives discussed proposed amendments to the claims in order to clarify points of novelty.

REJECTION UNDER 35 U.S.C. § 112

The Examiner has rejected claims 4-6, 13-15, and 22-24 under 35 U.S.C. § 112, second paragraph, as allegedly being indefinite for failing to particularly point out and distinctly claim the subject matter which Applicant regards as the invention. Specifically, the Examiner alleges that the term of "substantially identical" is indefinite because the term "substantial" allegedly conflicts with the term "identical" for value comparisons, see Office Action, pg. 2.

Applicant traverses this rejection because the claims do point out and distinctly claim the subject matter which Applicant regards as the invention. Applicant is entitled to use "any style of expression or format of claim which makes clear the boundaries of the subject matter for which protection is sought." MPEP § 2173.01. Moreover, "Examiners . . . should not reject claims or insist on their own preferences if other modes of expression selected by applicant satisfy the statutory requirement." MPEP § 2173.02 (emphasis added). For at least the reason that a person having ordinary skill

in the art would be able to discern the scope of the term “substantially identical,” particularly in view of the specification, Applicant requests that the Examiner withdraw this rejection of the claims.

Although Applicant disagrees with the propriety of the rejection, newly added claim 29 recites the language “substantially similar”, as suggested by the Examiner, see Office Action, pg. 2.

REJECTIONS UNDER 35 U.S.C. §§ 102 AND 103

The Examiner has rejected claims 1-3, 10-12, and 19-21 under 35 U.S.C. § 102(b) as allegedly being anticipated by U.S. Patent Application Pub. No. 2004/0049570 to Grace et al. (“Grace”). The Examiner has rejected claims 4, 5, 8, 13, 14, 17, 22, 23, and 26 under 35 U.S.C. § 103 as allegedly being unpatentable over Grace in view of U.S. Patent No. 5,280,547 to Mahoney (“Mahoney”). In addition, the Examiner has indicated that claims 6, 7, 9, 15, 16, 18, 24, 25, and 27 would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims, see Office Action, pg. 8.

Applicant traverses those rejections as the references relied upon by the Examiner do not disclose, teach, or suggest either alone, or in combination with one another, all the features of these claims. However, solely in an effort to expedite prosecution, the subject matter of claims 6, 15, and 24 (which has been indicated by the Examiner as allowable) has been incorporated into the respective independent base claims 1, 10, and 19. Accordingly, Applicant requests that these claims be passed to allowance.

CONCLUSION

Having addressed each of the foregoing rejections, it is respectfully submitted that a full and complete response has been made to the outstanding Office Action and, as such, the application is in condition for allowance. Notice to that effect is respectfully requested.

If the Examiner believes, for any reason, that personal communication will expedite prosecution of this application, the Examiner is invited to telephone the undersigned at the number provided.

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Respectfully submitted,

By: Brian J. Jelinek
Brian J. Jelinek
Registration No. 58,396

PILLSBURY WINTHROP SHAW PITTMAN LLP
P.O. Box 10500
McLean, Virginia 22102
Main: 703-770-7900
Fax: 703-770-7901